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APPENDIX

Volume II

In the Supreme Court of the United States

OCTOBER TERM, A.D. 1967.

No. 510

MARVIN L. PICKERING,

Plaintiff-Appellant,

vs.

BOARD OF EDUCATION OF TOWNSHIP HIGH SCHOOL DISTRICT 205, WILL COUNTY, ILLINOIS,

Defendant-Appellee.

ON APPEAL FROM THE SUPREME COURT OF ILLINOIS

FILED AUGUST 17, 1967
PROBABLE JURISDICTION NOTED NOVEMBER 6, 1967

SUPREME COURT OF THE UNITED STATES

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IN THE

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NOVEMBER TERM, A.D. 1966

MARVIN L. PICKERING,

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VS.

BOARD OF EDUCATION OF TOWNSHIP HIGH SCHOOL DISTRICT 205, WILL COUNTY, ILLINOIS,

Defendant-Appellee.

Appeal from the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois.

Honorable **Michael A. Orenic**, Presiding.

Abstract of Record
Volume II

EXHIBITS

(The Exhibits admitted into evidence are numbered consecutively but are not bound together and do not bear individual page numbers.)

Board Exhibit 1: Original of letter submitted by Marvin L. Pickering to Lockport Herald. (Not Abstracted.)

Board Exhibit 2: Lockport Herald of Thursday, Sept. 24, 1964 which at page 4 contains letter of Marvin L. Pickering. (The letter is set out at page 11 of Abstract Volume I)

Board Exhibit 3: Page 1 of Lockport Herald of November 30, 1961. (Pertinent sections thereof are here Abstracted.)

VOTE SATURDAY ON NEW HIGH SCHOOLS FOR DISTRICT 205

Voters will go to the polls Saturday to vote on two proposed new high schools, a four-year high school to be located near the junction of Taylor Road and U.S. Highway Alternate 66, and a two year school to be located on the south side of Seventh Street. The Board of Education has passed a legal resolution calling for the four year school on the west side. Reason for this action is that the Citizens Advisory Council, area School Boards, and faculty have all recommended that the west side school be a four year school. It will have all facilities necessary for the four years of education, and will be able to house all four years the day school opens which should be in September of 1963.

East Side School

The capacity of the east side school will be 800 expandable to 1300, and the capacity of the four year west side school will be for 1000 expandable to 1500. The cost of the two schools has been cut to $5,500,000 by elimination of the swimming pools and any frills.

Construction will be fireproof, brick and block materials—sound, but economical construction. The cost to each taxpayer will be an average increase in taxes of 9¢ per $100 of asessed valuation above the present bond rate. This means that an average homeowner will pay less than 2¢ a day for this building program.

According to a spokesman for the Advisory Council: "It appears now that the main issue is whether or not the voters of the district are each willing to pay 2¢ a day more in taxes to insure that their children will receive good educational opportunities."

SAY BOND ISSUE OPPONENT CHARGES 'ABSOLUTELY FALSE'

Board Members Speak Before 300

Meetings were held Monday evening at the Lockport Township High School and the Valley View School to discuss the much needed high school building program for District 205. A total of over 300 persons attended as the council held its final meeting to explain the details to interested persons. Carroll Ward, President of the Board of Education, and Charles Harris, Vice Chairman of the Citizens' Advisory Council, presided over the meeting at the high school, and Harold M. Finley, Board member, presided over the Valley View meeting.

Almost all of the discussion centered around the campaign against the Board of Education that has occurred through letters to the Editor and other means. According to Carroll Ward, Board President, "These opposition campaigners have refused to listen to facts or appear in public to discuss the matter. An open meeting was held last Tuesday in the school auditori-

um, and opposition leaders specifically invited to discuss their views. Apparently the opposition prefers to put out misleading facts and figures in an effort to defeat the program, but refuses to discuss the matter in public."

According to Ward, if the program is defeated, it will be impossible to offer the high school students a high school education comparable with other children in the state. The students will have to be on a shift basis next year whether the issue carries or not.

Ward branded as absolutely false, recent statements that "The people will vote on more than $5,500,000." "This is not true," stated Ward. "The bond issue will be for this maximum amount—if bids come in under the estimates, the board will not sell all of the bonds. This was the case during a former high school building program, where the total authorized bond issue was not sold because it was not all needed."

It has been implied that the Board might sell the bonds at 3½% to 4% interest. "Again not true," said Ward. "Two recent bond sales in the area sold under 3% in competitive sealed bid sales. The Board has already authorized competitive bidding along these same lines, and will sell the bonds at only the very best rate in view of current market conditions. The Board was authorized to sell the last bonds sold by the District at 4½% but actually sold them at 2.9%."

During the course of the meeting it was also brought out that a nearby school district constructed a high school of comparable size to either of the proposed District 205 schools, for what would be about $3,000,000 in current prices. Almost all Board members, many Citizens' Advisory Council members and staff members have seen this school and all agree that it

will be comparable to either of the two that are being constructed for District #205 for a total of $5,500,000, except that the swimming pools were taken out of the proposed District 205 high schools to reduce costs.

Finley pointed out that the big issue involved is that the providing of only one new school at this time would result in the district's schools being filled to capacity the very first year of operation and voters would have to be asked to vote additional facilities prior to completion of the first building.

Finley also took issue with a statement made in print by opposition leaders, that the present building now accommodates 1700 nicely on a single shift, with no student being deprived of any educational opportunities. Finley stated: "This is completely false. Many students were denied admission to many courses this year, even though classrooms have been improvised in the library balcony and on the stage of the auditorium."

Ward also deplored the opposition's suggestion that the district could operate for some time on overlapping shifts. "If this is what parents want," Ward stated, "then the Board can do nothing else; but it is the duty of the Board of Education to attempt to offer good educational opportunities for all students in the district and double or overlapping shifts are not fair to the children."

In short, the entire group of 300 appeared to feel very strongly that while some very minor differences of opinions will always exist in any proposed building program—this one was more thoroughly studied by the Board, Citizens' Advisory Council and Faculty than almost any other proposal and is the only good answer to the current problem. All seemed to agree

that the many false facts being circulated are by various persons who have either refused to study the facts, refused to discuss them in public or have twisted facts in an effort to mislead the people in the district.

(Picture of Architect's Rendering of Proposed Lockport High School is not included here. Statement under picture is included as follows:)

Proposed West Side School—This is the proposed west side high school to be voted upon this Saturday, Dec. 2 from noon until seven p.m. The four-year comprehensive high school has an inital capacity of 1000 pupils. Its core facilities such as the heating plant, library, auditorium, cafeteria, and gymnasium are being built from the outset to accommodate 1500 pupils. The building will contain 55 teaching stations: 25 standard classrooms, 4 commercial rooms, 4 science rooms, a language laboratory, 2 music rooms, 2 homemaking rooms, an art room, a mechanical drawing room, 5 shop rooms, an administrative area, a library for 250 pupils, an auditorium, a cafeteria, a gymnaisum, 2 locker rooms and 2 study halls. The total square feet area of the school is 199,500. The $5½ million cost of the referendum also includes equipment, both movable and fixed, site improvement for drives, curbs, exterior lights, gravel parking lot, walks, and an athletic physical education field, sanitary sewers, storm sewer, water system and treatment and architect's fee.

Board Exhibits 4 thru 14 were not admtted into evidence and are not a part of the Record on appeal.

Board Exhibit 15: Board Resolution of October 8, 1964 Dismissing Marvin L. Pickering.

RESOLUTION

Be it and It Is Hereby Resolved by the Board of Education of Township High School District Number 205, Will County, Illinois, as follows:

1. That Marvin L. Pickering, a teacher employed by this District, be and he is hereby dismissed from his employment by this District as such teacher effective December 30, 1964, for the following charges, reasons and causes:

That he did write a certain letter to the editor of The Lockport Herald, a newspaper published in and having a general circulation in said District, and that he caused said letter to be published in said newspaper in its edition of Thursday, September 24, 1964 on Page 4 thereof, which said letter contained many untrue and false statements and comments which directly and by innuendo and without justification questioned and impugned the motives, honesty, integrity, truthfulness, responsibility and competence of this Board of Education and the School Administrators of this District in carrying out their official duties, a copy of which letter as published in said newspaper is attached hereto and made a part of this resolution, which said statements, comments and questions contained in said letter written and caused to be published by said Marvin L. Pickering seriously involved and damaged the professional reputations of said Administrators and Board and the reputation of the schools of this District and are and will be highly disruptive to the discipline of the teachers and the morale and harmony among teachers, administrators, Board of Education and residents of this District, and which said state-

ments and comments will tend to foment controversy, conflict and dissension among them and jeopardize the welfare of the schools of this District.

2. That this Board of Education finds that said charges, reasons and causes as set forth in Paragraph One of this Resolution are true and is of the opinion that the best interests of this District and the Schools of this Dtsirct require such dismissal and that this Board further finds that its charges on account of said reasons and causes are not remediable.

3. That written notice of such charges and a bill of particulars thereof be served upon said Marvin L. Pickering as required by law.

Dated this 8th day of October, 1964.

/s/ Willard A. Anderson
President, Board of Education of
Township High School District Number
205, Will County, Illinois.

Attest:

/s/ Felix L. Borio
Secretary, Board of Education of
Township High School District Number
205, Will County, Illinois.

(The resolution contains as an attachment a copy of the letter of Marvin L. Pickering as it appeared in the Lockport Herald of September 24, 1964. The letter is set out at page 11 of Abstract Volume I.)

Board Exhibit 16: Notice of Dismissal of Marvin L. Pickering with certificate of Service. (The Notice is set out at page 9 of Abstract of Record Volume I.)

Board Exhibit 17: Demand for hearing by Marvin L. Pickering dated October 12, 1964. (Not Abstracted.)

Board Exhibit 18: Notice of Public Hearing and Certificate of Mailing. (Not Abstracted.)

Board Exhibit 19: Answer to demand for further Bill of Particulars and Certificate of Mailing. (Set at page 16 of Abstract Volume I.)

Board Exhibit 20: Demand for Bill of Particulars. (The Demand is set out at page 14 of Abstract of Record Volume I.)

Board Exhibit 21: Answer to Demand for Bill of Particulars. (Not Abstracted.)

Board Exhibit 22 was not admitted in evidence.

Board Exhibit 23: Audit report of Board of Education for year ending June 30, 1961. (Not Abstracted.)

Board Exhibit 24: Audit report of Board of Education for year ending June 30, 1962. (Not Abstracted.)

Board Exhibit 25: Audit report of Board of Education for year ending June 30, 1963. (Not Abstracted.)

Board Exhibit 26: Audit report of Board of Education for year ending June 30, 1964. (Not Abstracted.)

Board Exhibit 27: Group of eight newspaper articles which were written by a committee of the High School District 205 Teacher's Organization and published in a biweekly column from July 2, 1964 to Nov. 5, 1964. The following articles are reproduced in full: July 30, 1964, September 3, 1964, September 17, 1964.

Lockport Herald — July 30, 1964

DISTRICT 205 TEACHERS SPEAK

The Voters Provide the Tools

In our last article we reviewed at some length the way our school systems are organized, the net result of which is a school district, locally run and controlled, but ultimately accountable to the state government. This article will deal specifically with District 205, some of its current problems, and the possible outcome of these problems.

In our governmental setup, all levels have the power to raise the funds to pay for community needs and desires. This is true whether the community be local, state, or nation-wide and whether the funds collected be allocated for highways, ballistic missiles, or schools. The raising of funds is usually accomplished through taxation, which is simply the price we pay to provide for the general welfare.

Tax levies have either the implied or expressed approval of the public who, while not given the direct opportunity to voice opinions on every tax issue, nevertheless has the opportunity to assent or dissent at the polls when they, as voters, choose from their number those who will represent them in the law-making process and, presumably, reflect their feelings.

In financing the cost of education, any school board which has reached previously prescribed tax limits must appeal to the electorate for additional funds to operate its schools. One might reasonably assume that voters would approve such issues on the grounds that they had already given their approval to the election of the board members. Such, however, was not the case in District 205 this year.

In April, a board election was held in which three unopposed candidates were elected. In May, the District 205 Board of Education submitted a bond issue to the public for additional taxes to cover increased educational costs. The issue was defeated by a three to one margin. Most of the arguments presented against the issue were not against the idea of providing adequate funds for school operations; they were directed against various actions of the board. Those who will bear the ultimate effects of this defeat are the students and the teachers, not the board of education. So far, one of the main economies has been the board's refusal to make any adjustment of the teachers' salary schedule. Some curtailment of essential curricular offerings has already occurred. Continued refusal to provide funds must eventually result in more drastic reductions in curriculum, equipment, and services. In the light of the higher academic requirements for college admission today, any failure on the part of the local community to provide adequately for the educational needs of its students could create serious problems.

The school code charges local boards with the responsibility of providing funds for the operation of their schools, an obligation which can be met only with the approval and support of local communities. It is merely asking for consistency to request the electorate, should they desire a change in educational policy, to express themselves accordingly in the privacy of the voting booth when the time comes to elect public officials.

Lockport Herald — September 3, 1964

DISTRICT 205 TEACHERS SPEAK

Whenever school finances are mentioned, people are likely to think first of property taxes paid into the school fund. We have already pointed out that 90% of school funds must be obtained through this medium. We have also referred to the educational tax rate. What is it, and what does it mean when translated into a dollar and cents figure for the average home or property owner?

Our 1963 tax rate for education in Lockport Township High School District 205 was $1.222. This figure represents the amount of money paid for each $100 of assessed value (home and furnishings, land, car, etc.) Consequently, if a taxpayer's property were assessed at $8,000, or 80 hundreds, he would pay $1.22 x 80 or $97.60. In your own case, you may find your assessment by referring to your real estate and personal property tax bills. Real estate should be evaluated at slightly more than 50% of its market value.

Following is a breakdown of our own tax rate as compared with the rates of six other high school districts in Will County.

FUNDS	L.T.H.S.	J.T.H.S.	Plainfield	Wilmington	Lincoln-Way	Beecher	Peotone
Building	.1224	.1875	.1742	.1661	.1875	.250	.2418
Educational	.65	.750	1.5912	1.400	1.070	1.400	1.5108
Bond Retirement	.3493	.2885	.3602	.456	.2611	.5456	.4160
Ill. Municipal Retirement	.0078	.0210	.0168	.026	.0173	.0154	.0194
Transportation	.020	.007	—	.020	.020	.020	—
Junior College	.0725	—	—	—	—	—	—
Building Rental (State)	—	—	.1496	—	—	—	—
Sup. Bond	—	—	—	.0909	.0241	—	—
TOTAL	1.222	1.254	2.292	2.159	1.580	2.231	2.188
Per Pupil Educational Costs (1962-63)	$736.61	$1012.29	$406.42	$491.32	$697.19	$536.68	$580.48

In the previous article we referred to the assessed valuation of our school district and the assessed valuation per pupil. In 1953, Lockport's total assessed valuation was $65,953,100. This amount divided by 790, the number of pupils enrolled at the time, yields an assessed valuation per pupil of $83,485. By 1963, the total valuation had risen to $166,908,296, but the per pupil valuation had dropped to $69,545 because the student enrollment had risen to 2400. Even though our total wealth has increased, the taxable assets per pupil have dropped $13,940. This is the basic reason that the high school board of education must ask for more money to operate its three schools—Saturday, Sept. 19, is the day.

As we have pointed out before, you may have valid reasons for disagreeing with specific actions of the board of education. This is your perogative, but it is also your responsibility to seek further information about actions to which you object.

So far we have had no public response to this column. Since referendums usually provoke much discussion regarding the need to spend money for public education, we reemphasize our willingness to answer your questions. Address your letters to DISTRICT 205 TEACHERS SPEAK, c/o Lockport Herald, Lockport, Ill.

Lockport Herald — September 17, 1964

DISTRICT 205 TEACHERS SPEAK

This column is the voice of the Lockport Township High School District 205 Teachers' Organization. It is written by members of a committee appointed by the executive board of the group which, last year, represented 98% of the teachers of the district—Lock-

port Township High School (now Central) and Lockport West High School.

The Teachers' Organization is interested in all matters concerning the welfare of the schools. While attention is currently focused upon the pending referendum, subsequent articles will reflect a concern for many other aspects of education.

Following the defeat of the referendum last April, the teachers unanimously decided that some means of communication must be established to familiarize the voting public with the working structure of the high schools and the normal expenditures involved. As a direct result of this decision and with the cooperation of the Lockport Herald, the column DISTRICT 205 TEACHERS SPEAK was created.

Through the column we have attempted to clarify Lockport's need to pass the referendum which will be brought before the voters Saturday, Sept. 19. We now turn our attention to some of the possible alternatives facing the L.T.H.S. Board of Education if the public once again defeats the referendum. We do not pose these measures as threats, but as cold, concrete facts which we feel the public should consider.

Will the board, if the referendum fails, cut the lunch program with all of its personnel, eliminate the transportation system and the personnel involved, or curtail the curriculum and the teaching staff? In the interest of continued quality education, we trust that the board would choose to cut the non-academic program rather than the one that would jeopardize the best possible education that our present tax structure will provide. If cut-backs should become necessary, and we hope they will not, they should be of the type that affect the total pupil and adult populace in non-

educational areas. While such cuts would not directly affect the educational standards of our school system, they would undoubtedly impress voters with the fact that our schools need their support.

The cost of presenting each referendum to the public is at least $2,000. Courses of action are clear—something must be done.

The choice is yours, voters of High School District 205.

A vote for the referendum will not solve all the educational problems of our high schools. A vote for the referendum will alleviate the immediate, drastic needs and allow present standards of education to continue. However, with the passage of this referendum, we will not be leading; we will only be holding our heads above water.

To those citizens who object to the referendum: Voting NO on Saturday, Sept. 19, will mean that our students—many, leaders of the future—will be offered substandard educational opportunities which could lead to substandard outlooks in adult life.

As you analyze and evaluate your own objections and the educational needs of District 205, remember that you have an obligation to express your desires at the next board election. If, as some of you have indicated, you disagree with past actions of the board, we urge you not to penalize the students by voting NO on Sept. 19. Rather, express your objections by encouraging candidates who will support your educational philosophy.

Board Exhibit 28. Executed "Teacher's Contract" between Board of Education and Marvin Pickering bearing date of June 18, 1959 calling for commencement of duties on Tuesday after Labor Day, 1959.

Teachers' Exhibit 1: Board Agenda.

BOARD OF EDUCATION
SCHOOL DISTRICT NO. 205
Regular Meeting, October 8, 1964
Lockport Central High
Jefferson Street
Library Room, 7:30 o'clock P.M.

1. Call to order
2. Roll call
3. Minutes to be approved: reg. mtg. Sept. 10, 1964, adj. mtg. Sept. 22, 1964. Public Hearing on Budget—Sept. 22, 1964
4. Treasurer's report
5. Bills and payrolls to be approved
6. Superintendent's report
7. Committee reports
8. Attorney's report
9. Public Hearing & Petitions
10. Notices & Communications
11. Unfinished Business:
12. New Business:
    a. transfer funds from Construction to Educational to meet October 9 payroll, to be repaid when tax monies are available.
13. Announcements
14. Adjournment.

Teachers' Exhibit 2: Page two of Agenda.

Page two
Meeting of the Board of Education, Lockport School District 205, at Central High School, October 8, 1964, 7:30 P.M.
(*Executive)
Superintendent's Report, Dr. W. H. Blatnik
18. Bids

* 19. Mr. Marvin Pickering—To consider the dismissal of a tenure teacher from his teaching position and/or chaperone duties for insubordination or conduct unbecoming an employee.
20. Economy.
* 21. Employ Clyde Goranson for Central High Auto Shop-Industrial Arts for 1965-66. $5200.
* 22. Visit Lockport Herald.

INFORMATION

A. Installation of proper meter East, request of Charles Enz, City—I have written our architect to attempt to correct without charge to us.
* B. MEETING OCTOBER 5, at West High School 7:30 P.M.
   a. Mr. Pickering
   b. Economy
C. The West High sewage plant was in Marhoefer's bid to the district. His company subcontracted this to Keefe. Keefe bid $27,750. to Marhoefer. The plant was written up in the original specifications.
* D. Transportation Contract.

Future. Clerk for Mr. Flink's office.

WHB:mm

Teacher Exhibit 3 (six page foldout and one sheet insert entitled "Let's Face the Facts about Our High School Problem . . . Here's how it looks . . . " relating to election of February 25, 1961) containing the following:

WE ARE OVERCROWDED

1. Not enough classrooms.
2. All of the academic areas are either at or over capacity now, and will soon become critically overcrowded.

3. Unless additional facilities are started immediately, by 1963, (the earliest that all facilities could possibly be completed) we will have more than 900 students over our educationally sound capacity.

AS TEMPORARY STOP-GAP MEASURES, UNTIL MORE SPACE CAN BE PROVIDED, WE WILL BE FORCED TO:

1. Use over-sized classes.
2. Use "floating teachers"— those who use other teachers' rooms during the latters' study or conference periods.
3. Restrict enrollment in some subject areas.
4. Use staggered class schedules and extended school days.

ALL THIS WILL HELP . . . . .
BUT ONLY TEMPORARILY
HOW WILL WE SOLVE
THESE PROBLEMS? . . .

VOTE YES ☒

TO GET GOOD PERMANENT SCHOOL FACILITIES AT THE LOWEST POSSIBLE PRICE WILL REQUIRE A BOND ISSUE OF $4,875,000.

WHAT DOES THIS MEAN TO EACH OF US?
Here's how it affects
YOUR POCKETBOOK

At the start the bond rate increase over last year will be 15¢ per $100 equalized assessed valuation and will decrease to an average of 9¢ per $100 equalized assessed valuation for the term of the issue. Thus, on a house in the Lockport District with an equalized as-

sessed valuation of $7,000, the tax increase will average $6.30 per year,— less than 2¢ a day. On a house assessed at $10,000 (actual value approximately $20,000), the average annual increase will be $9.00,— less than 3¢ a day.

2 TO 3 CENTS A DAY
Our Problem In A Nutshell

1. We're overcrowded.
2. We need additional school facilities.
3. The council recommends a practical solution.
4. It will cost $4,875,000.
5. It will cost most of us 2¢ or 3¢ a day.

Yes, The Cost To Each Of Us Low—
And The Benefit To Our Children Is TREMENDOUS!

REMEMBER...

THIS IS AN INVESTMENT
NOT AN ASSESSMENT

Vote YES! ☒

THE CITIZENS' ADVISORY COUNCIL STUDIED THE PROBLEM AT LENGTH

Last fall, the Citizens' Advisory Council was formed. It was composed of 35 people, representative of every area of the district. The Council's purpose was to determine the needs of the Lockport High School District, and to find the solution to those needs. After reviewing all possibilities, the group decided that one plan would best meet our needs. It was not a snap judgment, but the considered decision of the people who have studied the problem thoroughly.

Both the Council and the School Board are unanimously supporting the solution.

THIS IS THE SOLUTION:

a. Adapt the present building for freshmen-sophomore use on the east side.
b. Construct a new high school for freshmen-sophomores on the west side site.
c. Construct a new junior-senior building on the east side site now owned by the School.

PLANS FOR BOTH SCHOOLS WILL START AT THE SAME TIME, BUT COMPLETION OF THE WEST SIDE SCHOOL IS EXPECTED IN 1962 AND THE EAST SIDE SCHOOL IN 1963, BECAUSE THE WEST SIDE SCHOOL IS THE SMALLER OF THE TWO.

THERE WILL BE NO FRILLS,
JUST GOOD, SOUND SCHOOL CONSTRUCTION

PROPOSED FACILITIES

Architect:

Kruegel, Healy, and Moore, Joliet—a local, highly reputable firm, experienced in educational building, employed by several grade schools in our High School District.

Location:

West Side School

New freshmen-sophomore building at junction of Taylor Road and U. S. Route 66-A on land under option by the Board. Located in the north-south center of the west side of the district.

East Side School

New junior-senior building on site acquired in 1958, near Seventh Street and Farrell Road. Proximity of water, sewer and electricity will reduce development cost.

Size of Schools:

West Side School

Complete facilities for an enrollment of 600-800 with special facilities large enough to accommodate future enrollment of 1,000 to 1,200.

East Side School

Complete facilities for an enrollment of 1,000-1,200, capable of expansion to 2,000 in the future.

Number of Classrooms:

West Side School

25 academic classrooms for English, mathematics, language, social studies, etc.
5 science labs for biology and general science.
2 shops for industrial arts.
Homemaking department.
Combination band and vocal room.
Cafeteria, library, study hall, offices and attendant facilities.
Boys' and girls' gym for state required physical education.

East Side School

37 academic classrooms for English, mathematics, language, social studies, etc.
7 labs for chemistry, physics, and other advanced science.
4 shops for advanced courses in industrial arts.
Homemaking department.
Music department.
Cafeteria, library, study hall, offices and attendant facilities.
Boys' and girls' gym for state required physical education.

Athletic Field:

Present athletic field will be used for interschool competition. Areas adjacent to the new buildings will be used as practice fields until future needs dictate improvements or additions.

Auditorium and Swimming Pool:

Present auditorium and swimming pool will serve entire area. However, new building plans lend themselves to future expansion without premium cost for these additional facilities.

Landscaping:

Present plans limit landscaping to stone base drives, curbs and gutters, drains, sidewalks, and minimum planting.

Equipment:

Cost of equipping and furnishing both buildings is included in the bond issue.

Type of Construction:

Modern, fireproof, brick and block materials, sound construction — but no frills.

Teacher Exhibit 4: Page 1 of Lockport Herald, February 21, 1961 (Pertinent Sections thereof are here abstracted):

LTHS Referendum Vote IS THIS SATURDAY
Board Proposes To Build And Equip 2 High School Buildings For $4,875,000

This Saturday, Feb. 25, will mark the climax of hundreds of man-hours of work by citizens, Board of Education, and staff members of Lockport Township High School as voters go to the polls to ballot on a single proposition to build a school on each side of the Canal, and to issue $4,875,000 in bonds to build and equip both buildings.

Early last fall, the Board of Education, realizing that tremendous enrollment increases were on the way, and that a new long-range plan must be developed, called upon the services of 35 citizens to study the district's "growing pains", and aid in the formulation of a long-range plan which would effectively handle immediate enrollments, and be flexible enough to be adapted to future growth. The members were selected from all parts of the district and from all walks of life.

Tremendous Enrollment Increases Ahead

The study by the Citizens' Advisory Council showed that present high school facilities were already overcrowded in most subject areas, with the situation to become extremely critical within the next two years. Today's enrollment of 1421 is already 131 students more than the educationally-sound capacity of 1300 for the present building. By 1963, 2208 students are expected, and by 1965, the anticipated enrollment of 2594 will be almost double the sound capacity of 1300. More than 3000 students are expected by 1967, and the high school enrollment will exceed 4000 in the early '70's. All studies showed that these enrollment projections are conservative, and they are not expected to decrease in the future.

Two Schools

After a careful study of all possible solutions, the Council unanimously recommended the plan now being proposed by this referendum, and it was unanimously adopted by the Board. The plan calls for a new freshmen-sophomore building on the west side of the Canal at the junction of Taylor Road and U. S. Highway 66A. This is located in the north-south center of the west side, with access to excellent transportation routes and in an area that can expect rapid growth in the near future. The building will be constructed for an initial capacity of 600-800 with special facilities large enough to accommodate a future enrollment of 1000-1200. Careful planning now will allow this building to be expanded or converted to a west side four-year high school at minimum cost when it becomes desirable.

The same recommendation included a new junior-senior building for the east side, located south of Seventh Street near Farrell Road on land owned by the Board. It would be planned for an initial capacity of 1000-1200 with special facilities large enough for an eventual enrollment of 2000. Its proximity to city water, sewer, and electricity makes site development more economical. This building was chosen for Junior-Senior attendance because the present building is not large enough to hold future junior-senior enrollments and because the new location would have ample land for future expansion and development. Considerable future growth is expected in this area.

No Frills

A special Cost Control Committee composed of members from the Advisory Council and staff has been meeting with the Board to aid in planning ade-

quate academic facilities for a good educational program but minus any educational or architectural frills. Such items as swimming pools, athletic fields, auditoriums, etc. have been left out of this program in order to obtain as much classroom space as possible. The latter will be postponed until some future date when the classroom need is not so great.

Plans for both buildings will be started at the same time, but the west side building is expected to be completed a year earlier (1962) than the east side building because the west side building is smaller. This will relieve the present overcrowding at least one year earlier than any other plan that was studied. The plan is flexible enough to be changed at any time in the future to meet the possibility of unusual growth in any portion of the large 99 square mile district. It could be adapted to a Unit District plan if this should be approved by the voters some time in the future. When the building program is completed, the present building will become an east side freshman-sophomore attendance center.

The 2-2 plan has been used by a number of prominent high schools with large areas as a means of solving rapidly growing enrollment problems, because of its flexibility feature. Among these are Blue Island, La Grange, Pekin, East Moline, and Waukegan. Some of these districts plan to operate four-year high schools as the enrollment grows large enough in any one area to make this feasible. Arlington Heights used a form of the 2-2 plan to develop its present system of several four-year high schools.

Top Financial Position

Lockport High School has an enviable financial position among similar high schools of the state. Rising assessed valuations, due chiefly to new industrial development, enabled the district to have the 6th lowest tax rate in the state last year—even lower than in 1955. Future assessed valuation increases plus a careful interlocking of the proposed bond schedule with the present bonds outstanding, will allow the district to pay off the $4,875,000 issue over a 20 year period with a bond tax rate increase of 15¢ above the present rate, for the first year and a decreasing rate thereafter, that will average 9¢ above the present rate for the life of the issue. The bonds will be sold in two or more packages as the building program progresses, so that considerable interest may be saved. Over the life of the issue, this would mean an average tax increase of less than 2¢ per day for a house assessed at $7,000 (actual value approximately $14,000) and less than 3¢ a day for a house assessed at $10,000 (actual value approximately $20,000).

Schools For Both Sides

It is important to note that the proposed plan takes care of enrollment needs for both sides of the district giving each side new facilities. Careful planning now, will allow future expansion at a minimum cost.

Teachers' Exhibit 5: (4 page pamphlet entitled "Our Children's Education Cannot Wait" the pertinent sections of which are abstracted. This pamphlets relates to election of December 2, 1961).

OUR ENROLLMENT PROBLEM

THIS IS WHY WE MUST ACT NOW

YEAR	ENROLLMENT	
1955	932	
1958	1259	(capacity 1300
1961	1664	TODAY
1963	2208	First year for full use of new building
1965	2594	Double capacity
1967	3019	
1969	3559	

★ Almost 4000 students are enrolled in grades 1-4 in our underlying elementary schools. They will be in high school by 1969. (Plus all new students moving into our dist.ct.)

★ Five years ago, we had 190 seniors. Today we have 279 seniors, 572 freshmen and 1045 first graders.

★ Prior to completion of the building, split sessions will have to be used, as enrollments will be more than 600 over capacity next year.

Extensive additional facilities have been required in every underlying grade school. Some have doubled their capacity while others have tripled in just the last 6 to 8 years. During this period of time, the high school has had no major expansion.

THE PROPOSED SOLUTION:

A new four-year high school on the west side and a two-year high school on the east side. The present high school will continue to be used, but as a two-year school. The schools will be located on sites now owned by the district the west side school near the junction of Taylor Road and U.S. Highway Alternate 66; and the east side school will be located on the south side of Seventh Street.

The presently proposed new high schools will contain a total of 98 teaching stations, including academic classrooms for English, mathematics, language, social studies, etc.; science labs for biology, general science, chemistry, physics, etc.; industrial arts shops and a homemaking department. Proper facilities will be provided in band, vocal music, cafeteria, library, study hall, state required physical education facilities, offices and attendant facilities.

The structure will be of modern fireproof, brick and block materials — sound construction, BUT NO FRILLS. Cost of equipping and furnishing will be included in the bond issue. (In the interests of economy, certain items that are desirable but not absolutely essential, such as a swimming pool, will not be included in the basic plan—but there will be a provision for such features to be added at a later date.) This is the first step toward the long-range plan. As enroll-

ments continue to rise, additional facilities will be needed—probably additions on both sides of the district.

The buildings are being designed for 1,000 on the west and 800 on the east, and in such a manner that can be readily and economically expanded.

It is felt that this solution is the best combination of educational and financial soundness and voter acceptability.

A Special School Election Has Been Called For Saturday, December 2, 1961 — Noon to 7 P.M. at the usual high school polling places

To get good permanent school facilities at the lowest possible price will require a bond issue of $5,500,000, which means an average annual tax rate increase of 9¢ per $100 of equalized assessed valuation, and even less as the district's assessed valuation continues to rise.

WHAT THIS WILL MEAN
TO THE AVERAGE TAXPAYER
HERE'S HOW IT AFFECTS
YOUR POCKETBOOK

IF YOU OWN AN AVERAGE HOME—
WITH A VALUE OF
$14,000 the average tax raise will be $6.30 per year
LESS THAN TWO CENTS PER DAY

THE EDUCATION OF OUR
CHILDREN IS THE MOST
IMPORTANT BUSINESS OF
OUR COMMUNITIES
We Can't Afford To Let Our Children Down
VOTE YES ☒
Saturday, December 2

Teachers' Exhibit 6: (5 page pamphlet entitled "Questions & Answers on District 205's Proposed Building Program," relating to December 2, 1961 elections. The pertinent parts are abstracted here):

Q. WHAT PROPOSITION WILL WE VOTE ON?

A. A single proposition to build and equip two new high school buildings, and to issue bonds to the amount of $5,500,000 for that purpose.

Q. WHAT ADVANTAGES WILL COME FROM A SUCCESSFUL ELECTION *NOW*?

A. 1. The present needs will be more critical, even before the proposed building program is completed. A delay would be detrimental to our children's education. Split sessions cannot be avoided in any event.

2. Rising prices of steel and other construction materials are expected to continue to raise building costs.

3. Work could be started on some of the construction next spring, buildings would be sufficiently far along that winter would not halt the work; and we would be able to occupy the new school facilities much earlier than if the start of construction were postponed.

THE NEED

Q. WHY DO WE NEED A HIGH SCHOOL BUILDING PROGRAM?

A. The High School is already overcrowded, and with even larger enrollments coming on in the next few years, the problem will become extremely critical before any additional facilities can be provided. We have a large district of 99 square miles with a population of over 35,000, and tremendous population potential.

Q. HOW DO WE KNOW THAT THE SCHOOL IS OVERCROWDED AND WILL BECOME EVEN MORE SO?

A. The present school facilities are adequate to provide a good education for an enrollment of about 1300 students. This year there are 1664 students enrolled, and by 1963 over 2200 are expected—more than 900 over capacity.

By 1965, our enrollment will be almost exactly double our educationally sound capacity; by 1969 we will have about 2300 more than we have facilities for now. In 1956, we had 190 seniors; today there are 279. This year, there are 572 freshmen, and 1045 first graders in the high school district. This is an increase of 130 first grade students over last year.

Past enrollments, and future enrollments as projected by our committee, are as follows:

1955	932	1963	2208
1958	1259	1965	2594
1961	1664	1967	3019
		1969	3559

Note: The above projections are not guesses, but an actual nose count of children now in our grade schools. The figures have been adjusted for drop-outs. From 1955 to 1965, our enrollment will almost triple.

Last year the Citizens' Advisory Council's enrollment committee predicted an enrollment this fall of 1661—we have 1664. This indicates extreme accuracy and confirms why double shifts will be necessary next year.

Q. IS THIS BIG INCREASE IN HIGH SCHOOL ENROLLMENT ONLY TEMPORARY?

A. No. You need only to look at the grade schools to see that there are going to be large high school enrollments for many years to come. National and State birth rate figures very clearly explain a portion of the problem. The post-war baby boom caused tremendous problems in our grade schools. Extensive additional facilities have been required in the underlying grade schools. The same children that necessitated this grade school construction, are now in high school. Also, new families are constantly moving into the district. There are almost 4000 students in the first through fourth grades in our high school district. They will be in high school in 1969.

Q. WHEREIN IS OUR HIGH SCHOOL INADEQUATE?

A. The maximum reasonable capacity of the high school is approximately 1300. This applies both to academic classrooms, and to vocational and special facilities. We have been forced to overcrowd the classrooms, and to press other space into use as temporary classrooms to increase the emergency capacity of the building, until additional facilities are provided. This has created a tremendous problem especially in academic areas, and makes it virtually impossible to conduct a proper program in such departments as science, English, mathematics, social studies, business education, homemaking, physical education, etc. In some departments this year it was necessary to deny students admission because of lack of facilities. Double shifts cannot be avoided next fall, as we will be more than 600 students over capacity.

— THE PROPOSED SOLUTION —

Q. WHAT IS THE PROPOSED SOLUTION?

A. To construct a new four-year high school on the west side, and a two-year high school on the east side. The present high school building will continue to be used, but as a two-year high school.

Q. WHAT WERE THE PRINCIPAL REASONS FOR RECOMMENDATION OF THIS PARTICULAR SOLUTION?

A. 1. First, it was found to be educationally and financially unsound to operate a single large high school for the entire district.

2. A long-range plan has been developed. As enrollments continue to rise, additional facili-

ties will be needed and both schools are constructed so they can be readily and economically expanded.

3. The proposed solution appears to be the best combination of educational and financial soundness and responsiveness to the wishes of the people of the district.

Q. WHY DON'T WE JUST BUILD A HIGH SCHOOL ON THE WEST SIDE?

A. The year a new west side building would be completed we would have almost 1500 students on the east side alone. Students could be transported from east to west but by 1964 the west side would be overflowing. By 1965 we will have almost 600 more students on the east side than facilities would be available for—more than could be transported, as the west side could not house anywhere near this excess number. In short, we need additional facilities for both sides, to house 1300 more by the time the project is built and an additional 1000 more than that in the four years after completion of the buildings.

Q. WHERE WILL THE NEW SCHOOLS BE LOCATED?

A. On the west side the school will be located near the junction of Taylor Road and U.S. Highway Alternate 66, on a site now owned by the district. The east side school will be located on the south side of Seventh Street.

Q. WHAT WILL BE THE CAPACITY OF THE NEW SCHOOLS?

A. Currently the west side will house approximately 1000 students, and the east side 800. This will allow all students living west of the canal to at-

tend the 4-year west side school. The present building on the east side, together with the new east side school, will house all east side students. The buildings are being designed by Kruegel, Healy and Moore—a local firm, highly reputable, and experienced in school planning. They will be designed so as to be readily and economically expanded.

Q. WHAT FACILITIES WILL THE BUILDING CONTAIN?

A. The presently proposed new high schools will contain a total of 98 teaching stations, including academic classrooms for English, mathematics, language, social studies, etc.; science labs for biology, general science, chemistry, physics, etc.; industrial arts shops and a homemaking department. Proper facilities for an enrollment of 1000 students on the west side and 800 on the east will be provided in band, vocal music, cafeteria, library, study hall, State required physical education facilities, offices and attendant facilities. (In the interests of economy, some features that we would like to have, such as a swimming pool, will not be included in the basic plan—but there will be a provision for such features to be added at a later date, or even at the outset if bids on the basic plan should come in sufficiently below the estimates.) The structures will be modern, fireproof, brick and block materials, of sound but economical construction. Cost of equipping and furnishing is included in the bond issue. The buildings will be readily expandable, when necessary.

— THE COST —

Q. WHAT BOND ISSUE WILL BE NEEDED TO FINANCE THE BUILDING PROGRAM?

A. $5,500,000

Q. IS IT POSSIBLE TO BUILD ADEQUATE FACILITIES FOR LESS MONEY?

A. No. This is a lot of money, but we must remember that we have a large district, with a large and ever increasing enrollment. Nothing less than the proposed building program can give our children a proper education. When the bond issue is spread over our more than $157,000,000 (and constantly increasing) assessed valuation, the amount falls into proper proportion.

If we try to get these essential facilities at a much lower cost, such lesser expenditure would actually be wasteful, inasmuch as it would provide such cheap construction that maintenance costs would more than offset the savings. Both the Board of Education and the Cost Control Committee have pledged to the voters that they will follow through to see that the expenditures authorized by the voters are carefully made, and that all reasonable construction economies will be utilized.

Q. IS THE PLANNED CONSTRUCTION ECONOMICAL?

A. Yes. Standard permanent school construction is being planned—with good economical materials. Our school board must be and is economy minded in planning the facilities, and must get a lot of educational facilities for the money. This is absolutely necessary in our case, inasmuch as our needs are so great. We can be proud of the school building we are going to have, without feeling that we have been extravagant.

Q. HOW MUCH WILL OUR SCHOOL BOND TAX RATE RISE DUE TO THIS BUILDING PROGRAM?

A. Due to a careful interlocking of the retirement schedule of these bonds together with that of outstanding bonds, and due to our district's constantly increasing assessed valuation, this proposed bond issue will result in a tax increase that is amazingly small. The early years our tax rate will go up 16¢ per $100 of equalized assessed valuation. Over the life of the bond issue, the average increase in our bond tax rate would be about 9¢—and even less if the district's valuation continues to increase as it has in the past.

Teachers' Exhibit 7: Letter to Parents.

September 18, 1964

Dear Parents:

A special appeal is being made to you concerning the referendum to be held Saturday, September 19, 1964. The polls will be open 12 noon to 7 pm. An increase is needed in our present tax rates.

These are the facts you need:

1. The proposition is to increase the educational rate from .65 to .86, and transportation from .02 up to .10.
2. There are 7 polling places: Central High, and Chaney, Fairmont, Ludwig, Homer, Parkview, and Northview Grade Schools.
3. The cost of education has risen steadily the last 10 years from $506 to $736 per child.
4. During the past 16 years the assessed valuation per pupil (wealth back of each pupil) has been at its lowest during the past two years.

5. Enrollments have risen year after year from 579 (1948-49) to almost 2600 this year.
6. We now operate 3 buildings instead of one on the same tax rate.
7. The present .65 educational tax rate is inadequate to meet the teachers' salaries which alone total $1,297,746.
8. The present .02 cent transportation rate is inadequate—we borrow from the education fund to make ends meet.
9. Fewer and fewer persons pay their personal property taxes—this is a loss to the school budgets.
10. The cost to an owner of a home with a market value of $15,000 means an additional cost of $18.86 per year—about 4½ cents per day.
11. This is for YOUR CHILDREN.

By supporting these necessary tax increases we can continue to provide quality education. A defeat means that education and students will suffer. We thank you for your time and courtesy for reading this letter. We hope you will find a few minutes to vote on this proposition on September 19.

Your Board of Education and Administration

Teachers' Exhibit 8: 32 Page Booklet, the cover of which bears the following words:

"Athletic Field and Court Diagrams
How to Arrange League Schedules
Tournament Brackets
Men's and Women's Weight Charts
Helpful Hints and Suggestions
For Athletic Programs . . . .
Compliments of
Wilson Sporting Goods Co. . . .
17th Revised Edition
Copyright by Wilson Sporting Goods Co. 1959"

and page 8 of which contains a diagram captioned:

"Quarter-Mile Track"
"Approved by the National Federation of State High School Athletic Associations"

and which diagram represents a running track 22 feet wide in the straightaway and 18 feet wide on the backside and curves. The diagram shows the straightaway to be 110 yards in length, the back side to be 110 yards in length and the curves at each end to be 110 yards all of which measurements are one foot from the inside edge of the track.

Respectfully submited,

LIGTENBERG, GOEBEL & DEJONG,
Attorneys for Plaintiff-Appellant

JOHN LIGTENBERG,
ANDREW LEAHY,
Of Counsel.